

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION))))	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory Case No. 03-10643-PBS
THIS DOCUMENT RELATES TO: <i>The City of New York, et al.,</i> v. <i>Abbott Laboratories, et al.</i>)))))))	Judge Patti B. Saris

**THIRD JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO
CERTAIN DEFENDANTS**

Plaintiffs The City of New York and New York Counties in MDL 1456 (collectively “NY Counties”) and defendants Par Pharmaceutical Companies, Inc. and Par Pharmaceutical Inc. (collectively “Par Group”); and, Roche Laboratories Inc. and Hoffman-La Roche Inc. (collectively “Roche Group”) (all defendant groups collectively referred to as “Remaining Defendants”), hereby move the Court to extend the 90-day Order of Dismissal of July 7, 2011 (Doc. # 7656, Sub-Doc. # 296) a third time, to allow an additional 90 days to conclude settlement discussions, obtain requisite signatures and file the necessary papers with the Court before the Order of Dismissal becomes final.¹

At a hearing on June 23, 2011, NY Counties reported to the Court that, except for one defendant,² it had settled or reached agreements in principle to resolve all claims against all

¹ NY Counties also move the Court for additional time as to defendant King Pharmaceuticals Inc., King Research and Development and Monarch Pharmaceuticals Inc. (collectively “King/Monarch Group”). Defendant King/Monarch Group does not oppose or object to the further extension of the 90-day Order of Dismissal of July 7, 2011 (Doc. # 7656, Sub-Doc. # 296).

² NY Counties and the last defendant have since reached a settlement in principle, which is subject to a separate extended order dismissal and time frame.

other defendants in this action, including the Remaining Defendants and King/Monarch Group. NY Counties further reported that it would take some time to draft and negotiate the details of the settlement documents, obtain the requisite signatures and file formal dismissal papers. Thereafter the Court entered an Order of Dismissal on July 7, 2011 allowing the parties 90 days to finalize the settlement. Doc. # 7656, Sub-Doc. # 296. At the request of NY Counties and various settling defendants, including the Remaining Defendants, the 90-day period was extended to December 5, 2011 by Electronic Court Order on October 6, 2011, and extended a second time to February 3, 2012 by Order date December 9, 2012 (Doc. # 7983, Sub-Doc. # 315).

In the time since July 7, counsel for NY Counties and all the settling defendants, including the Remaining Defendants and King/Monarch Group, have negotiated diligently and in good faith on the terms of each respective settlement agreement and related documents. NY Counties has finalized settlements and submitted formal dismissals for all defendants covered by the Court's 90-day Order of Dismissal of July 7, 2011 (Doc. # 7657, Sub-Doc. # 122), except for the Remaining Defendants and King/Monarch Group. Despite their efforts, NY Counties and the Remaining Defendants need additional time to finalize negotiations, obtain requisite signatures and submit all necessary documents with the Court. NY Counties and the Remaining Defendants do not anticipate problems finalizing their respective settlements and filing all necessary documents with the Court by May 3, 2012.

For the foregoing reasons, it is respectfully requested that the Court modify its 90-day Order of Dismissal of July 7, 2011 to allow NY Counties, the Remaining Defendants and King/Monarch Group up to and including May 3, 2012 to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlements.

Dated: February 1, 2012

Respectfully submitted,

KIRBY McINERNEY LLP

By: /s/ Joanne M. Cicala
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CERTIFICATE OF SERVICE

I, James P Carroll Jr, hereby certify that I caused a true and correct copy of the foregoing **THIRD JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO CERTAIN DEFENDANTS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: February 1, 2012

_____/s/ James P. Carroll Jr
James P. Carroll Jr.